

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MATT JENKINS,) CASE NO. 3:11-cv-1191
)
Plaintiff,) JUDGE DAVID A. KATZ
) MAGISTRATE JAMES R. KNEPP
vs.)
UNITED COLLECTION BUREAU, INC., *et*) **DEFENDANT UNITED COLLECTION**
al.,) **BUREAU, INC.'S OPPOSITION TO**
) **PLAINTIFF'S MOTION TO STRIKE**
Defendants.) **AFFIRMATIVE DEFENSES**
)

Plaintiff's claims regarding the necessity of striking Defendant United Collection Bureau Inc.'s affirmative defenses are baseless. The referenced affirmative defenses are not prejudicial to Plaintiff and will not unnecessarily delay the proceedings and "add to the costs of litigation." To the extent the record demonstrates each of the referenced affirmative defenses is not supported, it will be inapplicable to Defendant UCB's defense of the claims.

Further, Defendant UCB raised the affirmative defense of intervening/superseding cause (affirmative defense eleven) to ensure that it appropriately protected itself against the allegations raised in Plaintiff's Seventh Cause of Action -- Intrusion of Seclusion. Plaintiff raises this claim against both defendants and seeks an undisclosed and unidentified amount of compensatory and punitive damages. To the extent Plaintiff claims compensatory damages for the conduct of Defendant Citibank, which preceded that of Defendant UCB, this defense may be applicable.

For the foregoing reasons, Defendant United Collection Bureau, Inc. requests that Plaintiff's Motion to Strike be denied.

Respectfully submitted,

/s/ Tracey L. Turnbull

Tracey L. Turnbull (0066958)
Melissa A. Majkut (0084887)
PORTER WRIGHT MORRIS & ARTHUR LLP
925 Euclid Avenue, Suite 1700
Cleveland, OH 44115-1483
Phone 216-443-9000 / Facsimile 216-443-9011
tturnbull@porterwright.com
mmajkut@porterwright.com

Attorneys for Defendant
United Collection Bureau, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2011 a copy of foregoing Opposition to Plaintiff's Motion to Strike Affirmative Defenses was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Tracey L. Turnbull

Tracey L. Turnbull
PORTER WRIGHT MORRIS & ARTHUR LLP
925 Euclid Avenue, Suite 1700
Cleveland, OH 44115-1483
Phone 216-443-9000 / Facsimile 216-443-9011
tturnbull@porterwright.com
[0066958]

407316v.v1